

Message Text

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SUBJECT: SENEGAL LOOKS TO US FOR IDEAS TO STRENGTHEN
JUDICIARY

1. SUMMARY: GOS HAS REQUESTED INFORMATION ON POWERS, FUNCTIONS AND PERSONAL RANK OF US SUPREME COURT CHIEF JUSTICE IN CONTEXT OF PLANNED REFORMS TO REINFORCE INDEPENDENCE OF SENEGALESE JUDICIAL SYSTEM. PRESIDENT SENGHOR, SUPREME COURT PRESIDENT AND OTHER LEADERS ARE SPEAKING OUT EMPHATICALLY ON DETERMINATION TO HEIGHTEN JUDICIARY'S PRESTIGE AND ENSURE THAT IT WILL PLAY NON-PARTISAN ROLE IN SENEGAL'S EVOLVING MULTI-PARTY SYSTEM. EMBASSY WOULD APPRECIATE DEPARTMENT'S SUPPORT IN ASSEMBLING PERTINENT MATERIALS. END SUMMARY.

2. GOS IS LAYING GROUNDWORK FOR STRUCTURAL REFORMS TO ASSURE "TOTAL INDEPENDENCE" OF JUDICIARY IN EFFORT TO STRENGTHEN FURTHER SENEGAL'S INCREASINGLY LIBERAL MULTI-PARTY SYSTEM. PRESIDENT SENGHOR TOLD EXTRAORDINARY NOVEMBER 18 INTER-MINISTERIAL COUNCIL MEETING ON JUDICIARY THAT EXISTENCE OF THE STATE ITSELF DEPENDED ON HAVING "STRONG AND INDEPENDENT JUSTICE." HE EMPHASIZED

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CONSTITUTIONAL ROLE OF JUDICIARY AS THIRD POWER DISTINCT FROM EXECUTIVE AND LEGISLATIVE BRANCHES.

3. MINOR HUBBUB UNSUED OVER DECEMBER 19 MAGISTRATES' CONGRESS WHICH REPORTEDLY CONGRATULATED SENEGAL'S GOVERNING SOCIALIST PARTY (FORMERLY UPS) ON ITS ADMISSION TO SOCIALIST INTERNATIONAL. GOVERNMENT-OWNED LE SOLEIL

PRINTED RAPID RETRACTION CALLING REPORT ERRONEOUS, AND EXPLAINING THAT MAGISTRATURE WAS INDEPENDENT OF POLITICAL PARTIES AND HAD MERELY EXPRESSED SATISFACTION IN SENEGL'S "DEMOCRATIC OPENING" AND RESPECT FOR FUNDAMENTAL LIBERTY.

4. IN DECEMBER 31 PRESENTATION OF NEW YEAR'S WISHES TO CHEIF OF STATE, PRESIDENT KEBA MBAYE OF SENEGALESE SUPREME COURT DEPLORED THIS INCIDENT AND DECLARED THAT "ESSENCE" OF JUDICIARY'S MISSION WAS TO BE ABOVE PARTISAN POLITICS. MBAYE CITED SENGHOR'S DETERMINATION TO CONSOLIDATE INDEPENDENCE OF MAGISTRATURE AS "NEW MESSAGE THAT SENEGAL SENDS TO THE WORLD". AT A TIME WHEN THE RULE OF LAW CHALLENGED BY POWER, FORCE, MONEY, DISCRIMINATION AND "ODIOUS TYRANNY WHICH HYPOCRITICALLY WEARS THE MATLE OF REVOLUTION AND POPULAR POWER WHILE SUFFOCATING THE LAW."

5. 3. EMBASSY OFFICER VISITED JANUARY 6 BY OMAR GUEYE, MAGISTRATE ON SENEGALESE SUPREME COURT STAFF, WHO IS PREPARING COMPARATIVE STUDY ON ANGLO-SAXON JUDICIAL SYSTEMS (SPECIFICALLY, THOSE OF US, UK AND CANADA) WITH VIEW TO IDENTIFYING ELEMENTS WHICH MIGHT BE INCORPORATED LOCALLY. GUEYE'S PRIMARY CONCERN IS PRESENT SENEGALES ARRANGEMENTS WHEREBY PRESIDENT OF SUPREME COURT (AND PROCURER GENERAL) FALL AFTER CABINET RC ORDER OF PRECEDENCE AND ARE SUBORDINATE TO POLITICAL FIGURE IN PERSON OF MINISTER OF JUSTICE. GUEYE SAID INTENTION WAS TO CHANGE THIS RELATIONSHIP TO BOOST PRESTIGE AND POWER OF SUPREME COURT PRESIDENT. HE REQUESTED INFORMATION ON U.S. JUDICIAL SYSTEM, PARTICULARLY AS CONCERNS LIMITED OFFICIAL USE

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RESPECTIVE POWERS AND FUNCTIONS OF SUPREME COURT CHIEF JUSTICE AND OTHER MEMBERS OF JUDICIARY VIS-A-VIS ATTORNEY-GENERAL AND PROCURER GENERAL. HE SAID THAT LOCAL MATERIALS HE HAD BEEN ABLE TO FIND WERE LIMITED TO UNHELPFUL GENERALITIES ON POLITICAL MERITS OF SEPARATION OF POWERS, AND HE NEEDED MORE SPECIFIC INFORMATION. HE ALSO ASKED TO KNOW HOW THESE FIGURES ARE RANKED IN OFFICIAL USG ORDER OF PRECEDENCE; AND REQUESTED INFORMATION ON STRUCTURE OF SUPREME COURT AND JUDICIAL SYSTEM AT LARGE.

6. IT IS EVIDENT THAT THIS STUDY RELATED TO HIGH-PRIORITY PROJECT WITH PERSONAL INTEREST OF PRESIDENT SENGHOR. (EMBASSY ALSO CITES THIS INQUIRY AS ANOTHER SMALL EXAMPLE OF

SENEGALESE OPENING TOWARD U.S. WHICH WE SENSE INCREASINGLY IN MANY AREAS OF COMMON INTEREST.) WE WOULD ACCORDINGLY APPRECIATE DEPARTMENT'S ASSISTANCE IN CABLEING OR AIR MAILING PERTINENT MATERIALS RESPONSIVE TO THESE QUESTION. (NATURALLY, ANYTHING AVAILABLE IN FRENCH WOULD

BE PARTICULARLY USEFUL).

AGGREY

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